THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 11976 of 2005

Dated: 07-10-2005

Between:

Dorepalli Balamma and five others.

..... PETITIONERS

AND

Conservator of Forests & Field Director

Project tiger Circle, Srisailam, Kurnool District and

three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11976 of 2005

O R D E R:

Heard the learned counsel for both the parties and perused the material available on record.

The petitioners seek a writ of Mandamus declaring the action of the first respondent in not granting ex-gratia to them as per G.O.Ms.No.112 Environment, Forests, Science & Technology (for.II) Department, dated 03-08-1998 as arbitrary and illegal.

The petitioners claim to be the legal heirs of one Dorepalli Mallaih, who died due to the injuries received in an attack by a bear on 06-09-1998. In the post-mortem report dated 8-9-1998, the Medical Officer, Community Hospital, Devarakonda opined that the injuries received by the deceased were not sufficient to cause death and that the death could be due to Vasovagal shock. On the basis of the said post-mortem report, the claim of the petitioners for ex-gratia was rejected. Hence, this writ petition.

In the counter-affidavit, it has been stated that during the pendency of this writ petition a second opinion has been obtained from the Professor and Head of the Department of Forensic Medicine and Toxicology, Osmania General Hospital, Hyderabad, who, while referring to the bite marks and lacerations with multiple abrasions on the dead body, has given his specific opinion, dated 21-06-2005, which reads as follows:

> *"To the best of my knowledge and belief, I am of the opinion that the injuries noted by the Doctor at the time of post-mortem examination were sufficient to cause the death of the individual. The bite marks and the eating away of the calf muscle of right leg suggests that the deceased was attacked by a wild animal."*

It is stated that in the light of the said opinion, necessary steps are being taken to settle the issue by making payment of appropriate compensation to the legal heirs of late Dorepalli Mallaih.

In view of what has been stated in the counter affidavit, the matter does not require adjudication on merits.

However, the learned Government Pleader points out that the petitioners failed to submit the required certificates to establish that they are the legal heirs of late Dorepalli Mallaiah and in this regard he has drawn the attention of this

Court to para 5 of the counter-affidavit, which reads as under:

> *"In reply to para 6, it is respectfully submitted that, the statements made by the petitioner in this para that the payment of compensation as envisaged in G.O.Ms.No.112 dated 03-09-1998 delayed by (7) years attributing it to the respondents is far from truth, since the petitioner herself has failed to submit the required certificates of her and her children's inheritance from the Revenue authorities in the shape of legal heir ship certificate. Even the certificate that has been issued by the Mandal Revenue Officer, Chandampet is only a Certificate of a dependants, which does not serve any purpose, as the requisite legal heir ship certificate indicating that name of all legal heirs of late Sri Dorepally Mallaiah issued by the Mandal Revenue Officer has not so far been received in order to examine the feasibility of the granting payment of compensation as envisaged in G.O.Ms.No.112 dated 03-09-1998, or otherwise."*

From the averments in the counter-affidavit, since it is clear that the death of Sri Dorepalli Mallaiah was due to the attack by a wild animal, there can be no dispute that the legal heirs are entitled for compensation in terms of G.O.Ms.No.112 dated 03-08-1998. However, keeping in view the plea taken by the respondents that the petitioners have not yet furnished the required certificates, I deem it appropriate to dispose of the writ petition with the following directions :

The respondents shall communicate to the petitioners all the required particulars of the certificates required to be furnished within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioners are at liberty to furnish the said certificates, in which event the respondents shall pay the ex-gratia to which they are entitled to within a period of four weeks from the date of furnishing such certificates.

The Writ Petition is accordingly disposed of. No costs.

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G.ROHINI,J

07-10-2005

klp